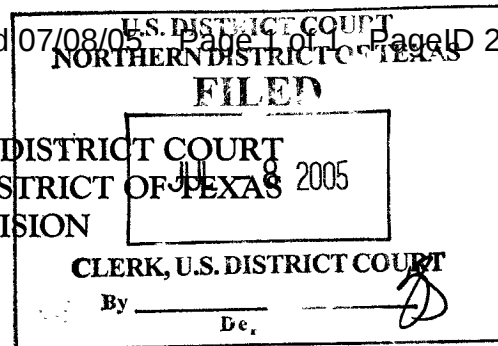


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA,)

vs.)

JAMES E. HURLEY, ID # 27854-177,)
Defendant/movant.)

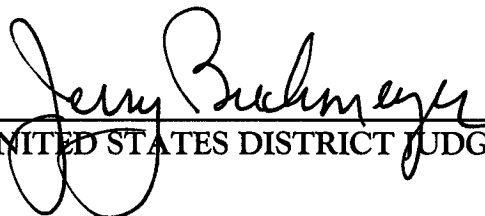
No. 3:01-CR-0356-R ✓
No. 3:04-CV-0215-R

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

For the reasons stated in the Findings, Conclusions, and Recommendation, the Court **DENIES** movant's motion for summary judgment (doc. 102 in criminal case) as improvidently filed in this § 2255 action and **DEEMS MOOT** the "Motion for Court to Direct Magistrate to Take up Motion under 28 U.S.C. § 2255" (doc. 98 in criminal case). By separate judgment, the Court will formally deny the motion to vacate filed in this action.

SIGNED this 8 day of July, 2005.


UNITED STATES DISTRICT JUDGE